

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAVID L. SPALDING,	)	
	)	
Petitioner,	)	
	)	
vs.	)	NO. CIV-23-0905-HE
	)	
ADMINISTRATIVE OFFICES OF THE	)	
U.S. COURTS, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

Petitioner David L. Spalding, appearing *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Amanda Maxfield Green for initial proceedings. On February 1, 2024, Judge Green issued a Report and Recommendation recommending the court dismiss petitioner's petition for writ of habeas corpus without prejudice and deny all pending motions as moot. Petitioner was advised of his right to object to the Report and Recommendation and he has filed a timely objection.

Petitioner asserts various arguments in his objection to the Report and Recommendation. First, petitioner objects to the Magistrate Judge dismissing his case and contends the Magistrate Judge did not have the authority to dismiss this case. Magistrate Judge Green, however, did not dismiss this case but only recommended that this case be dismissed, and petitioner was given the opportunity to object to that recommendation, which he has. Petitioner further contends the Magistrate Judge ignored facts in his petition and objects to the Report and Recommendation in its entirety.

Having reviewed petitioner's petition for writ of habeas corpus and his objection, the court agrees with the Magistrate Judge that petitioner's petition should be dismissed without prejudice for substantially the reasons stated in the report. Accordingly, the court **ADOPTS** Magistrate Judge Green's Report and Recommendation [Doc. #22] and **DISMISSES** without prejudice petitioner's petition for a writ of habeas corpus. His various other pending motions are **STRICKEN** as **MOOT**.

**IT IS SO ORDERED.**

Dated this 18th day of April, 2024.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE